

BOARD OF REVIEW DECISION

Title of publication: Conversation Log 1

Other known title(s): Not stated

OFLC ref: 1300876.000

Medium: Computer Text File

Publisher: Not applicable

Country of origin: New Zealand

Language: English

Applicant: Crown Solicitor

Classification: Unrestricted.

Descriptive note: None

Display conditions: None

Date of entry in Register: 03 February 2014

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 29 January 2014

Summary of reasons for decision:

The defendant has been charged with five counts of knowingly distributing an objectionable publication in contravention of sections 123(1)(d) and 124(1) of the Films, Videos and Publications Classification Act 1993 (“the Act”). The District Court referred the matter to the Office of Film and Literature Classification, to seek a determination on whether the text messages at issue in the proceedings were “objectionable” as defined in the Act. The Office determined that they were not, but did restrict them to persons over the age of 18. The Crown Solicitor then sought a review of that decision pursuant to section 47 of the Act. The defendant also challenged different aspects of the decision.

The five publications are each short text messages. The messages are sexual in nature and, for example, invite the recipient to participate in a sexual encounter with others, take photos of the recipient’s sexual organs and/or describe in detail aspects of the recipient’s sexual organs.

The Board was advised that the recipients of the text messages were, in fact, two girls

aged 11 and 12 respectively. However nothing in the publications themselves disclosed this or otherwise contained any reference to children or young persons.

The Board determined that neither the words used, nor any necessary implication from the words used, dealt with sexual conduct with or by children or young persons. The Board also determined that there were no other grounds for determining that the publications could be said to be objectionable as defined in s3 the Act.

Accordingly, the Board determined that each of the five publications was not objectionable and classified them as "Unrestricted".